



# TOWN OF BOW

## Planning Board

10 Grandview Road, Bow, New Hampshire 03304

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1

2 Unapproved Minutes

3

1/22/2026

4

<https://www.youtube.com/live/MoJUD-DIj0s>

5

6 The Town of Bow Planning Board met on Thursday, January 22, 2026 at 7:00 PM in Room C of  
7 the Municipal Office Building. Chair Berube called the meeting to order at 7:00 PM beginning  
8 with the roll call of the Board.

9

### 10 7:00 p.m. ROLL CALL

11

12 Planning Board Members present were Don Berube, Jr., Chair; Sandy Crystall, Vice Chair; Kip  
13 McDaniel, Selectboard Representative; Jessica Duke, Secretary; Kristen Hayden, member; Mike  
14 Lawton, member; and alternate members Ben Davis and Levi Barry.

15 Also present were Karri Makinen, Community Development Director and Dawn Ferringo,  
16 Recording Secretary. Excused was Casey DeStefano.

17

18 Chair Berube appointed Ben Davis as a voting member for the meeting.

19

### 20 I. MINOR MODIFICATION / CONCEPTUAL CONSULTATION

21

### 22 II. PUBLIC HEARINGS

23

24 Chairman Berube read the application into the record.

25

#### 26 1. Rehearing of Application 503-24: The S3AK Trust – Modification of Subdivision 27 Application #503-05 to remove condition #3 stating, “That no construction activity which 28 requires a building permit occur beyond the limits for grading and disturbance as shown 29 on the plan of the new lot.”

30

31 Located off South Bow Road; Map 27, Block 3, Lot 30-I; Zone: Rural (RU).

32

33 Chair Berube began by addressing concerns regarding negative commentary on social media  
34 directed toward Town boards and officials. He emphasized that board members are volunteers  
35 serving in unpaid positions and encouraged community members to participate constructively by  
36 engaging in local government or serving on boards. He then expressed appreciation for the work  
done by Town volunteers and officials.

37

38 Attorney Patricia Panciocco appeared on behalf of Eli and Raquel Lehrmann, trustees of the  
39 S3AK Trust, owners of property located at Tax Map 25, Block 3, Lot 30-I, situated in the Rural  
40 District, where single-family dwellings are permitted.

41

42 Ms. Panciocco noted that the purpose of the public hearing was to allow the Planning Board to  
43 reconsider the applicants' request to reopen a subdivision application approved in 2005, with the

44 subdivision plan recorded in 2006. The request concerns Condition #3 of the approval,  
45 specifically whether the condition should be modified or removed, as directed by the Housing  
46 Appeals Board (HAB) decision dated October 1st of 2025.

47  
48 Ms. Panciocco explained that although the Planning Board previously determined there was  
49 insufficient evidence to reopen the application, HAB found that the evidence submitted met the  
50 legal standard required to reopen an older application. She emphasized that the scope of the  
51 rehearing was narrow and limited solely to whether Condition #3 was within the Planning  
52 Board's authority. She clarified that the hearing was not related to wetland impacts, ponds, or the  
53 previously issued CUP.

54  
55 Ms. Panciocco then gave some background on the original application that was submitted on  
56 April 7, 2005, following the merger of Lots 30 and 30-H by the prior owners. The Bow Planning  
57 Board reviewed the application for zoning and subdivision compliance on April 22, 2005, and  
58 comments were addressed prior to issuance of a public hearing notice.

59  
60 The Planning Board accepted the application as complete on June 2, 2005. During a July 2005  
61 hearing, abutter concerns were raised regarding a right-of-way, flooding, and wetlands. In  
62 response, the applicant submitted a revised plan prior to the August 4, 2005 hearing, relocating  
63 the proposed house site to the frontage along South Bow Road. Due to the revised plan, the  
64 hearing was continued to allow for additional abutter notification.

65  
66 The public hearing resumed on September 1, 2005, opened at approximately 8:11 PM, and  
67 closed shortly thereafter, with no public testimony presented. During Planning Board  
68 deliberations following the close of the public hearing, Condition #3, which restricts construction  
69 requiring a building permit to the limits of grading and disturbance shown on the approved plan,  
70 was introduced and added as a condition of approval.

71  
72 Ms. Panciocco noted that the subdivision plans identified areas of "buildable" and "non-  
73 buildable" land for each lot but did not define the term "buildable." She stated that the only  
74 applicable definition is found in the zoning ordinance, which excludes wetlands, steep slopes,  
75 ledge, floodplains, and other constrained areas. She asserted that, after applying required  
76 setbacks, environmental constraints, and land dedication for roadway purposes, the remaining  
77 area designated for construction under Condition #3 does not meet zoning or septic system  
78 requirements for a single-family dwelling.

79  
80 Ms. Panciocco stated that Condition #3 was imposed after the public hearing closed and  
81 effectively prevents reasonable residential use of the property. She asserted that the condition  
82 exceeded the Planning Board's authority and resulted in denial of an otherwise permitted use.  
83 She emphasized that the applicant is not alleging intentional wrongdoing by the Planning Board,  
84 but is requesting that, following testimony regarding site conditions, the Planning Board  
85 reconsider whether Condition #3 should be modified or removed.

86  
87 Ms. Panciocco requested Jacques Belanger of JE Belanger Land Surveying join the conversation  
88 to testify on behalf of the applicant. Mr. Belanger stated he was retained in 2022 to assist with  
89 locating wetland flags and preparing a base map for the property. He explained that he also

90 assisted another surveyor in finalizing prior plans due to that surveyor's retirement and license  
91 nonrenewal.

92  
93 Mr. Belanger testified that his work included locating wetlands, tying in property boundaries,  
94 and incorporating LiDAR topographic data for the entire parcel. Information was provided to the  
95 project engineer to assist with driveway alignment and wetland crossing plans prepared in  
96 October 2025. He stated that his team conducted twelve (12) test pits within the area shown on  
97 the approved plan as the designated "buildable pocket" near the road frontage. Based on the test  
98 pit results, he testified that the area contains shallow soils, ledge close to the surface, exposed  
99 bedrock, and poorly drained soils, and lacks a suitable receiving layer necessary for installation  
100 of an on-site septic system. He noted that average depth to ledge was approximately 11.7 inches,  
101 with no locations meeting the minimum requirement of 18 inches of natural soil.

102  
103 He went on to explain that state septic system standards require a minimum of 18 inches of  
104 undisturbed natural soil above ledge, plus additional vertical separation to construct a compliant  
105 system, which could not be achieved in the front buildable area shown on the plan. He testified  
106 that even with alternative septic system designs, minimum soil separation requirements could not  
107 be met.

108  
109 Mr. Belanger further testified that grading limitations, roadway dedication, and ledge conditions  
110 prevent the front area from accommodating a septic system or residential structure, even for a  
111 modestly sized home. He stated that more suitable soil and buildable areas exist on the north side  
112 of the property, beyond the wetland area.

113  
114 Mr. Belanger referenced a timber harvest plan identifying portions of the front area as  
115 unproductive land, characterized by exposed ledge and poor drainage, consistent with current site  
116 conditions. He stated that the test pits were professionally excavated, surveyed, and accurately  
117 located.

118  
119 Ms. Panciocco then introduced Aaron Wechsler of Aspen Environmental Consultants. Mr.  
120 Wechsler explained that he was retained by Jacques Belanger on October 20, 2025, to evaluate  
121 whether the area along the property frontage is buildable under current state and local  
122 regulations. Mr. Wechsler stated he observed the excavation of test pits on October 21, 2025, and  
123 confirmed that measured depths to ledge were consistent with those documented on the survey  
124 plan.

125  
126 Mr. Wechsler noted that he reviewed the historic subdivision plan, current survey data, and other  
127 project documentation. Based on his review and field observations, he stated that the frontage  
128 area does not meet New Hampshire Department of Environmental Services (NHDES)  
129 requirements for a septic system due to insufficient depth of natural soil over ledge. He reported  
130 an average depth to ledge of approximately 12 inches, which does not meet the minimum  
131 requirement for a receiving layer.

132  
133 Mr. Wechsler further testified that the frontage area does not meet the Town's definition of  
134 buildable land, citing insufficient soil cover and site constraints. He stated that he attempted  
135 multiple septic system layouts using various conventional and alternative technologies, including

136 advanced and reduced-footprint systems, but none could be configured to meet regulatory  
137 requirements. He noted that efforts to avoid impacts to the wetland buffer would still require  
138 grading to extend into the future road widening area and the right-of-way. He stated that  
139 accommodating a residence in the frontage area would also require encroachment into the  
140 wetland buffer.

141  
142 He further stated that an access driveway to the rear of the property has already received wetland  
143 crossing approval and that, regardless of where a residence is located, some form of driveway  
144 access to the upland portion of the lot would be required. He noted that construction in the  
145 frontage area would constitute an additional impact beyond the driveway and would not be  
146 consistent with conditional use permit standards requiring minimization of impacts to the  
147 wetland buffer.

148  
149 Based on these constraints, Mr. Wechsler testified that he was unable to design a compliant  
150 layout for development in the frontage area and stated that development in the rear portion of the  
151 property, as originally proposed, was more feasible.

152  
153 Mr. McDaniel noted that Ms. Panciocco requested the rehearing be limited to Condition #3 of  
154 the approval and not include discussion of the driveway. The Board agreed to confine discussion  
155 and testimony to the scope of Condition #3 and requested that all parties respect those limits  
156 during the hearing.

157  
158 Ms. Panciocco asked Mr. Wechsler if he thought NHDES would grant waivers for the minimum  
159 soil separation requirements. Mr. Wechsler noted that, even if waivers were sought, he did not  
160 believe NHDES would grant waivers for the minimum soil separation requirements. He noted his  
161 professional background, including prior employment with NHDES and approximately 19 years  
162 of experience designing septic systems, and stated he has never seen such waivers issued for  
163 these conditions.

164  
165 Mr. Wechsler stated that based on test pit data alone, the frontage area cannot support a  
166 compliant septic system for residential use. He concluded that development in the frontage area  
167 is not feasible under existing regulatory standards.

168  
169 Mr. McDaniel asked if the applicant's consultants had explored whether allowing development  
170 within the wetland buffer through a Conditional Use Permit (CUP) would enable installation of a  
171 septic system in the frontage area.

172  
173 Mr. Wechsler responded that this option was evaluated during site layout analysis. He testified  
174 that, even with expansion into the wetland buffer, the frontage area lacks sufficient undisturbed  
175 natural soil (receiving layer) to meet state septic system requirements. Test pits conducted both  
176 within and beyond the originally designated area did not achieve the minimum 18 inches of  
177 natural soil over ledge. The consultant concluded that granting a CUP would not resolve the site  
178 limitations and would not make the frontage area suitable for a septic system.

179  
180 *A motion was made by Mr. McDaniel and seconded by Ms. Duke to accept the application as*  
181 *complete. A unanimous vote of the Board followed.*

182  
183 Chair Berube stated that the hearing would remain focused solely on consideration of Condition  
184 #3 of the approval and noted that any discussion beyond this condition, including a potential  
185 Conditional Use Permit (CUP), would require a separate and more extensive process at a later  
186 time. Board members agreed with this approach.

187  
188 The Chair then opened the public hearing at 7:48 PM.

189  
190 Shaun Cmar, 10 South Bow Road, stated that he lives directly across the street from the subject  
191 property and supported removal of Condition #3. He stated that additional setback and spacing  
192 would preserve the small-town character of the neighborhood and reduce visual impacts between  
193 homes.

194  
195 Jonathan Woetzel, 57 Albin Road, speaking with his wife Carolina, expressed support for  
196 removal of Condition #3. He spoke from the perspective of younger residents regarding housing  
197 affordability and stated that restrictive zoning contributes to limited housing supply. He also  
198 spoke as a taxpayer, expressing concern over town resources being spent on litigation. He further  
199 shared personal history growing up on the subject land and stated that he believes responsible  
200 residential use would allow another family to enjoy the property without harming natural  
201 resources.

202  
203 Sean Wray, 101 Woodhill Road, owner of property including a portion of Greylure Pond, spoke  
204 in opposition to removing Condition #3. He stated that he participated in the original 2005  
205 hearings and site walk and recalled that Condition #3 was added at that time to address wetland  
206 concerns and to enable approval of the subdivision. He stated that the prior owner agreed to the  
207 restriction as part of the approval process. Mr. Wray said that removal of the condition would  
208 undermine protections the Board deemed necessary in 2005. He further noted his own experience  
209 complying with wetland-related regulations and stated that rules should be applied consistently.

210  
211 Mr. Wray also referenced prior discussions regarding wetlands, endangered species habitat, and  
212 source water protection areas, but the Chair noted that discussion should remain focused on  
213 Condition #3.

214  
215 Mr. McDaniel noted for the record that a written statement was submitted by Steven Jeffers, 103  
216 Woodhill Road, but was not read aloud because it addressed wetland and driveway issues  
217 beyond the scope of Condition #3. The statement was provided to the Board for the record. Ms.  
218 Makinen informed the Board that no other written comments were received prior to the meeting.

219  
220 Tom O'Donovan, Bow Open Spaces and the Bow Drinking Water Protection Committee, stated  
221 that the applicant's consultants had addressed many prior concerns. He emphasized the  
222 importance of groundwater and wetland protection, noting that most Bow residents rely on  
223 private wells. He raised questions regarding whether additional soil testing was conducted in  
224 areas comparable to potential buffer impacts and suggested further analysis. The Chair and  
225 Board members noted that these comments were related to matters beyond the scope of  
226 Condition #3.

227

228 The Chair then asked if there were any additional public comments. No further comments were  
229 offered, and the public hearing was closed at 8:02.

230  
231 Board members discussed the history of Condition #3, noting that it was added in 2005 as a  
232 compromise to allow approval of the subdivision due to wetland constraints. Several members  
233 expressed that, with the benefit of new technical information not available at that time, the  
234 frontage area subject to Condition #3 is now demonstrated to be unbuildable due to insufficient  
235 soil depth to bedrock for a compliant septic system, even with potential buffer impacts.

236  
237 Board members discussed that land use boards should not unnecessarily restrict buildable land  
238 when applicants comply with applicable regulations, and that the Planning Board's role is to  
239 ensure regulatory compliance rather than dictate specific building locations. Members noted that  
240 multiple-qualified experts testified that the frontage area cannot support a septic system and that  
241 development in that location is not feasible.

242  
243 The Board acknowledged that alternative development scenarios, including Conditional Use  
244 Permit considerations, were outside the scope of the current rehearing and were not before the  
245 Board.

246  
247 *A motion was made by Mr. McDaniel and seconded by Mr. Davis to remove Condition #3 from  
248 the approved subdivision plan. The Board voted unanimously in favor and the motion passed.*

249  
250 *A motion was made by Mr. McDaniel and seconded by Ms. Duke to adopt the following Findings  
251 of Fact:*

252

- 253 • *New and substantive information has been presented to the Planning Board that was not  
254 available at the time of the original subdivision approval in 2005 or in 2025.*
- 255 • *Credible testimony was provided by multiple qualified experts who regularly appear  
256 before the Town and whose testimony the Board finds reliable.*
- 257 • *Based on this expert testimony, the Planning Board finds that the portion of the lot  
258 restricted by Condition #3 is not buildable.*
- 259 • *Specifically, the frontage area lacks sufficient natural soil depth over bedrock to support  
260 a compliant septic system.*
- 261 • *The Board finds that this limitation exists even if impacts to the wetland buffer were to be  
262 considered, and after evaluating multiple potential building layouts and dwelling sizes.*
- 263 • *Additionally, the Planning Board finds that there have been no changes to applicable  
264 wetland buffer regulations since 2005.*

265  
266 *The motion to approve the Findings of Fact passed, with all members in favor.*

267  
268 Mr. McDaniel raised a point of privilege regarding a photograph of his minor child being  
269 circulated on social media in connection with the matter before the Board. He stated that while  
270 criticism of elected officials is expected, involvement of a child was inappropriate, and he  
271 requested that the image be removed. He clarified that he was not accusing the applicant or any  
272 individual present.

273

274 Mrs. Lehrmann stated that neither she nor her husband use social media. Mr. McDaniel reiterated  
275 that he was not alleging the Lehrmanns were responsible.

276  
277 Mr. Lehrmann addressed the Board, stating that he had spoken with numerous individuals  
278 regarding the matter, including state legislators and members of local organizations, and  
279 described the personal and financial impact of the process on his family.

280  
281 **III. OLD BUSINESS**

282  
283 **IV. NEW BUSINESS**

284  
285 **V. CORRESPONDENCE AND OTHER BUSINESS**

286  
287 **VI. REVIEW OF MINUTES**

288  
289 The Planning Board reviewed the minutes of the January 8, 2026 meeting.

290  
291 *A motion was made by Mr. McDaniel and seconded by Ms. Crystall to approve the January 8,*  
292 *2026 Planning Board minutes as written. The motion passed with all in favor.*

293  
294 **VII. NON-PUBLIC SESSION RSA 91-A:3**

295  
296 *Ms. Crystall made a motion to adjourn at 8:24 PM. Chair Berube seconded the motion. The*  
297 *Planning Board unanimously voted in favor.*

298  
299